

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PASQUALE LONGORDO,

Plaintiff,

v.

Case No. 2:15-cv-12991

District Judge Paul D. Borman

Magistrate Judge Anthony P. Patti

DIVERSIFIED
CONSULTANTS, INC. and
LIVEVOX, INC.,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE DEFENDANTS' MOTION TO
STAY (DE 7), STRIKING CERTAIN PARAGRAPHS OF DEFENDANTS'
ANSWERS (DE 2, DE 3) and SETTING DEADLINE TO AMEND**

This case is before the Court on Defendants' September 23, 2015 motion to stay proceedings pending appeal of a Federal Communications Commission's order to the United States Court of Appeals for the District of Columbia Circuit, pursuant to a Hobbs Act Petition. (DE 7.) Defendants' motion is DENIED for the reasons stated on the record at the November 17, 2015 hearing. Should either Defendant choose to file a new motion for a stay on this same basis, they may do so only upon completion of discovery.

Moreover, consistent with my statements from the bench and in accordance with Fed. R. Civ. P. 12(f)(1), Paragraphs 27 in each of the Defendant's answers

(DE 2 at 4 ¶ 27, DE 3 at 4 ¶ 27) are STRICKEN as unresponsive, and shall be amended to answer the specific allegations contained in the corresponding paragraph of the Plaintiff's complaint within 14 days of this Order. Likewise, Affirmative Defense Nos. 10 (Diversified) and 9 (Livevox) (DE 2 at 9 ¶ 10, DE 3 at 10 ¶ 9) are STRICKEN as insufficient. Defendants shall amend these affirmative defenses so as to specifically identify "the equipment...at issue" that they claim "is not covered by or subject to the TCPA," or, alternatively, expressly withdraw these defenses in writing within fourteen (14) days of the date of this order.

IT IS SO ORDERED.

Dated: November 18, 2015

s/Anthony P. Patti
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on November 18, 2015, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Anthony P. Patti